

Testimony Re:

Senate Joint Resolution No. 36

Resolution Proposing An Amendment to the Constitution of the State to Protect Certain Property Held or Controlled by the State for Conservation, Recreation, Open Space or Agricultural Purposes .

Raised Bill No.5819

An Act Conveying Certain Parcels of State Land and Requiring A Study of Certain State Real Property.

Eileen Grant

43 Neptune Ave.

Madison, CT 06443

eileencgrant@gmail.com

Dear Members of the Government Administration and Elections Committee,

Thank you for the opportunity to offer testimony on Senate Joint Resolution No.36 and to speak in support of an amendment to the State Constitution to better protect state conservation properties. It has become an increasing matter of concern to all who treasure these places that the Land Conveyance Act has been regularly utilized to remove them from State control, wholly or in part.

Our state held conservation, recreation, and agriculture lands have been acquired in a great variety of ways, but most acquisitions have involved the painstaking work of many, as well as the faith of taxpayers who have underwritten their purchase and maintenance with the presumption that these public lands would remain preserved for all future generations.

Some properties have been accrued through bequests or donations from private citizens, land trusts, or philanthropic organizations and foundations; some have been sold to the State at bargain prices with the understanding or stipulation, that they be utilized in very specific ways in perpetuity.

Others have been purchased with tax dollars by the State and its agencies (the Department of Energy and Environmental Protection and the Department of Agriculture) to fulfill or further the long-term goals inherent in the mandates and missions of those agencies. Determining the “best” choices for state land purchase has been no casual matter for agencies as resources have been limited for many years. DEEP’s budget, in particular, has been inadequate for decades. Expenditures for land acquisition, therefore, have been by necessity, deliberate and strategic.

The ever-mounting instances of the misuse of the Land Conveyance Act to take possession of protected state conservation properties for parochial purposes both shatters public trust and callously squanders the arduous work done by a multitude from both the private and government sectors; further precious resources are

needlessly wasted by environmental advocates and department staffs alike, in efforts to fore-stall destructive land grab proposals.

With increasing frequency, State Park and Forest System lands have been targeted for sale, trade or outright giveaway. As these lands are CT's most beautiful open spaces, one can certainly understand why they might be coveted. However, any confiscation, swap or forced sale not resulting in the provision of **more significant benefit** to the state citizens who own them, ought to have been rejected by the General Assembly. Sadly, this seldom has been true with respect to the "Land Conveyance Act." Not all members of the Legislature place their responsibilities as guardians of communal conservation property, and as champions for the interests of ALL Connecticut citizens, above the drive to provide service to their own constituents. Some believe that promoting the "local" trumps securing the greatest good for the greatest number. That's a problem, especially when valuable State assets can instantaneously disappear with the phrase "Notwithstanding any provision of the general statutes...." in the 11th hour of session without opportunity for debate, hearing or minimal fact checking investigation.

State Parks and Forest advocates are certainly convinced that a Constitutional Amendment is needed to adequately protect state owned (DEEP and DoAg) conservation, recreation and agriculture properties and are very grateful that the Government Administration and Elections Committee has raised this bill for consideration and public hearing.

Any proposed divestiture of these lands should be approached with great caution. The provisions outlined in SJ 36 lend strong protections to DEEP and DoAg properties, but rightly do not preclude the possibility of any transfer of public land if certain thresholds are met. Each proposed divestment should be put forth in a **separate and distinct bill**; each should be fully vetted in hearings **at both state and local locations**; each should be approved in the separate chambers by a **2/3 vote**. To offset the considerable losses suffered by state citizens as a result of any divestment, **full market value for the property** should be paid by the party or parties taking possession of the acreage to the custodial agency, DEEP or DoAg, and **reinvested in land of equal or greater conservation or recreation value** in close proximity to the lands lost.

SJ36 could be improved in a few ways. **All expenses** incurred to host public hearings, and for commission of the appraisals necessary to determine fair market value of properties, **should be borne by the parties proposing a land transfer or sale**, not by the agencies (DEEP and DoAg) that hold the land. **Final approval** of fair market value should be made **by the agency that holds the land**.

Minor administrative boundary adjustments **that do not diminish the conservation, open space, recreation, or agricultural purposes of the land** should be exempted.

Affording transparency to the Land Conveyance process, and instituting truly binding uniform regulatory language in our Constitution will do so much to restore public confidence . Thank you for raising this resolution. I know that any addition of a Constitutional Amendment is a very serious matter, but codifying true protections for our communal landscapes merits such a step.

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This session's Land Conveyance Act provides two perfect examples as to why a Constitutional Amendment is desperately needed to protect our State- owned conservation, recreation and agriculture properties.

Section 8: “....the Commissioner of Energy and Environmental Protection shall convey to the town of Groton six parcels of land in the town of Groton, **at no cost.**”

It is proposed that 66.5 acres of valuable Mystic Riverfront acreage be transferred from DEEP to Groton for \$0 compensation to the citizens of Connecticut who own this property!

There is no compelling rationale offered to justify the transfer/confiscation of this expensive publically held property other than the town of Groton's vaguely expressed desire that it be utilized for its own “economic, recreational and open space purposes.” Another Haddam Land Swap, but this time without even the pretext of a property trade that compensates the citizens of Connecticut for the loss of their asset – it is outrageous that legislators continue to propose these land grabs. Apparently, no amount of negative public scrutiny, alone, is sufficient to alter this self-serving behavior.

Section 5:

This section of the Land Conveyance Bill calls for a study of a large cache of property held, one would presume, under the care of multiple State agencies. The stated end purpose of the study is to recommend “**transferring such properties and any legislation necessary to expedite the approval process under state and local authority.**”

Who has put forth this broad reaching request that is so ambiguously worded? What does the seemingly self-contradictory “**zoned for residential use by local zoning authorities but is located in a zone authorized to contain commercial structures as authorized by the municipality**” mean? Why has this specific type of property been singled out for study and subsequent sale or giveaway? Wouldn't a municipality **at any point in the future** be able to change its zoning to match this criteria and thereby facilitate a transfer of a State property it desires?

How many State Properties are at risk for sale or giveaway? Could Department of Agriculture farmland, for example, which has been either purchased or gifted by philanthropic individuals for preservation, be proposed for sale? Many farms contain both residences and commercial structures, such as greenhouses, farm stands and farm equipment repair shops. Originally, they may have been assembled from multiple properties with differing zone restrictions.

Would DEEP's State Park and Forest units, also often assembled through multiple purchases, and containing all manner of structures, residential and commercial (at least originally), be vulnerable? Zoning laws are not always updated in every community to reflect contemporary usage.

Section 5 raises so many questions. It should be a requirement in any Land Conveyance Bill that the individual legislators or government agent (from an agency or the Executive branch) must enter his or her name as the sponsor of any request for a conveyance or prospective conveyances. Our State lands are valuable; any divestment is a serious matter. Every sponsor of a conveyance needs to be available for public questioning at hearing and must address ANY requests for further information prior to legislative ratification.

Respectfully submitted,
Eileen Grant, Friends of CT State Parks Board of Directors